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AT ABINGDON, VA
FILED

MAY 05 2015

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

STEVE NIECE, et al. on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

A&G COAL CORPORATION and
SOUTHERN COAL CORPORATION,

Defendants

Case No.: 7:13-cv-00580

ORDER GRANTING FINAL APPROVAL OF SETTLEMENT

On February 27, 2015, the parties filed a *Joint Motion for an Order (1) Preliminarily Approving the Settlement Agreement between Plaintiffs, the Class, and the Defendants; (2) Approving the Form and Manner of Notice to Class Members of the Settlement; (3) Scheduling a Final Fairness Hearing for the Final Consideration and Approval of the Settlement; and (4) Finally Approving the Settlement* (ECF No. 54). On March 20, 2015, this Court granted preliminary approval of the settlement, pending a final hearing, and approved notice of the proposed settlement to the Class and to those being excluded from the Class (ECF No. 56).

Counsel for the Class represents that they sent the approved Class Notice to each Class Member and to those being excluded from the Class. The Class Notice described the proposed settlement and provided detailed instructions to Class Members on the procedure for objecting to the settlement. No member of the Class made any objection to the proposed settlement, and no person being excluded from the Class made any objection to their exclusion.

On May 5, 2015, pursuant to proper notice, the Court held a final hearing on the proposed settlement and award of attorneys' fees to Class Counsel. No party objected to the proposed settlement or award of attorneys' fees to Class Counsel.

After due deliberation, the Court finds that based on the range of possible outcomes and the uncertainty associated with further litigation, the Settlement Agreement is fair, reasonable and adequate, and final approval of the Settlement Agreement is warranted.

THEREFORE, IT IS HEREBY ORDERED THAT:

- 1) The Joint Motion is GRANTED in all respects;
- 2) The Settlement Agreement is fair, reasonable and adequate and is APPROVED in all respects; and
- 3) The Court will retain jurisdiction with respect to all matters arising from or related to the implementation of this Order, as provided in the Settlement Agreement.

ENTER: May 5, 2015


United States District Judge